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FILED & ENTERED

SEP 15 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY may DEPUTY CLERK

7 Counsel to Bradley D. Sharp, Chapter 11 Trustee

8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 LOS ANGELES DIVISION

11 In re
12 LESLIE KLEIN,
13 Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**ORDER GRANTING MOTION OF
CHAPTER 11 TRUSTEE AUTHORIZING
THE EXAMINATION OF AXOS
FINANCIAL, INC. D/B/A AXOS BANK,
AXOS CLEARING LLC AND AXOS INVEST,
INC. PURSUANT TO FED. R. BANKR. P.
2004**

[No Hearing Required]

On August 16, 2023, Bradley D. Sharp, the duly appointed chapter 11 trustee (the “Trustee”), filed his *Notice of Motion and Motion of Chapter 11 Trustee, for Order Authorizing the Examination of Axos Financial, Inc. d/b/a Axos Bank, Axos Clearing LLC and Axos Invest, Inc. Pursuant to Fed. R. Bankr. P. 2004; Memorandum of Points and Authorities; Declarations of Bradley D. Sharp, Nicholas Troszak and Jeffrey P. Nolan in Support Thereof* (the “Motion”) [Docket No. 260]. The Court, having considered the Motion, the accompanying Memorandum of Points and Authorities, the Declarations in support of the Motion, the exhibits thereto, and based on its review and consideration, the Court finds that (i) notice of the Motion was adequate and appropriate, and no further or other notice need be given; (ii) the authority requested by the Trustee to issue a subpoena

1 substantially in the form identified in the Motion is appropriate; and (iii) good cause exists to grant
2 the Motion.

3 IT IS HEREBY ORDERED THAT:

4 1. The Motion is GRANTED in its entirety;
5 2. The Trustee is authorized, pursuant to sections 105(a) and 1106(a)(3) of title 11 of the
6 United States Code (the “Bankruptcy Code”), Rules 2004 and 9016 of the Federal Rules of
7 Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Bankruptcy Rule 2004-1, to issue and
8 serve a subpoena substantially in the form attached to the Motion, Exhibit I, to compel the
9 attendance of the Proposed Examinee, Axos Financial, Inc. d/b/a Axos Bank, Axos Clearing LLC
10 and Axos Invest, Inc. (“Axos”), for production and testimony on the dates stated therein or such
11 other date as is mutually agreed between Axos and the Trustee;¹

12 3. The Trustee shall serve the Rule 2004 Subpoena and a copy of this Order on (i) Axos
13 and (ii) the United States Trustee for the Central District of California and shall file with the Court
14 an affidavit or declaration of service of the Rule 2004 Subpoena;

15 4. In the event of any discovery dispute in relation hereto, counsel and Axos shall first
16 meet and confer in an effort to resolve the dispute in accordance with Local Bankruptcy Rule 7026;

17 5. This order is without prejudice to the Trustee’s right to file further motions seeking
18 additional documents or testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable
19 Bankruptcy Rules; and

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28 ¹ Capitalized terms used herein shall have the same meanings ascribed to them in the Motion.

1 6. This Court shall retain jurisdiction to resolve any dispute arising from or related to
2 this order, including any discovery disputes that may arise between or among the parties, and to
3 interpret, implement and otherwise enforce the provisions of this order.

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PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

Date: September 15, 2023



Sandra R. Klein
United States Bankruptcy Judge